

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
CITY OF BEE CAVE  
May 28, 2013

STATE OF TEXAS           §

COUNTY OF TRAVIS       §

**Present:**

Caroline Murphy, Mayor  
Zelda Auslander, Council Member  
Michelle Bliss, Council Member  
Steve Braasch, Mayor Pro Tem  
Kara King, Council Member

**Absent:**

Paul Kline, Council Member

**City Staff:**

Frank Salvato, City Manager  
Patty Akers, City Attorney  
Kaylynn Holloway, City Secretary  
Russell Pancoast, Police Chief  
Lindsey Withrow, Director of Community Services  
Katie Griffin, Director of Finance  
Giancarlo Patino, City Engineer  
Stephen Myrick, Building Official  
Amy Kelley, Chief Technology Officer  
Barbara Hathaway, Library Director

**Call to Order and Announce a Quorum is Present**

With a quorum present, the regular meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, May 28, 2013 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

**Pledge of Allegiance**

**Discuss and consider action on the selection of Mayor Pro Tem.**

Mayor Murphy nominated Council Member Braasch as Mayor Pro Tem.

The vote was taken with the following result:

Voting Aye: Mayor Murphy, Council Members Auslander, Bliss, Braasch and King  
Voting Nay: None  
Absent: Council Member Kline

The motion carried.

### **Citizen Comments**

Barbara Hathaway, Library Director, commented that Saturday is the kick-off for the summer reading program.

### **Consent Agenda**

- A. Consider approval of minutes of the Regular meeting conducted on May 14, 2013.
- B. Consider approval of minutes of the Special Session conducted on May 21, 2013.
- C. Consider action on the financial and investment reports.

**MOTION:** A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Bliss, to approve the consent agenda.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King  
Voting Nay: None  
Absent: Council Member Kline

The motion carried.

### **Public Hearing and discuss and consider an amendment to the 2009 Comprehensive Plan of the City of Bee Cave to amend the future land use map to reflect Mixed Use Zoning for two parcels on the southeastern corner of RR 620 and Falconhead Blvd from Agriculture to Planned Development—Mixed Use District for a project known as Gateway to Falconhead.**

Mayor Murphy opened the public hearing at 6:06 p.m.

Paul Linehan, representing St. Croix Development, commented that this item is a result of the third amendment to the Spillman Development Agreement. This is to make sure the comprehensive plan is in accordance with the zoning in the area.

There being no other person wishing to give public testimony on this item Mayor Murphy closed the public hearing at 6:07 p.m.

Director of Community Services Lindsey Withrow reported on this item.

**MOTION:** A motion was made by Council Member Auslander, seconded by Council Member Bliss, to amend the future land use map from medium density residential to mixed use.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King  
Voting Nay: None  
Absent: Council Member Kline

The motion carried.

**Public hearing, discussion and possible action on Ordinance No. 147, an ordinance rezoning two parcels on the southeastern corner of RR 620 and Falconhead Blvd from Agriculture to Planned Development—Mixed Use District for a project known as Gateway to Falconhead.**

Mayor Murphy opened the public hearing at 6:10 p.m.

Mr. Lineham reported on this project. He stated that they are requesting to rezone two tracts of land at the southeastern corner of RR 620 and Falconhead Boulevard to Planned Development – Mixed Use.

There being no other person wishing to give public testimony on this item Mayor Murphy closed the public hearing at 6:25p.m.

Mr. Lineham fielded numerous questions from the City Council about the parking spaces, pervious coverage, pavers, traffic and noise. The City Council had favorable comments on the landscaping and building elevations.

Ken Satterlee commented that the restaurants were not being designed for music but more family friendly.

City Attorney Patty Akers commented that the lighting regulations are already in the Third amendment to the Development Agreement along with landscaping and construction standards and will be included in the Ordinance for convenience.

The City Council amended Exhibit C and E of Ordinance No. 147 as follows:

Exhibit C. Take noise provision out of Section 1 and put it under “standards applicable to project as a whole” and it is now Subsection 12, which reads “Project shall comply with the noise and vibration regulations of Section 32.05.008 and Section 32.05.011 of the City’s Code of Ordinances in effect on *“date of application or the zoning ordinance”*

Noise requirements shall be measured 100 feet from the exterior wall of the applicable building creating the noise or at the closest property line of the building whichever distance is less.

Decomposed granite is permitted for pedestrians trails and shall be given 100% credit against impervious cover, pavers are authorized for pedestrian sidewalks and trails and shall be given 50% credit against impervious cover, pervious concrete may be considered for credit against impervious cover at site plan approval.

Under Section 4 “Standards applicable to the project as a whole” - Project shall comply with current ordinances of the City for landscaping, architectural requirements, signage and lighting. Buildings depicted in Exhibit D are approved for the project as depicted, provided however that in the event if any building is depicted of surface planes that do not comply with the vertical articulation requirements or current city ordinances such buildings shall be designed so that the vertical articulation requirements are met.

Also under “Standards applicable to the project as a whole” add a phrase related to strategically placed speed bumps within the project.

Exhibit E - add - construction of the Falconhead median breaks will be during the school breaks of summer, winter and spring.

**MOTION:** A motion was made by Council Member Bliss, seconded by Council Member King, to approve Ordinance No. 147 as amended above.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King
Voting Nay:	None
Absent:	Council Member Kline

The motion carried.

**Discuss and consider action on the site and NPS plan for Spanish Oaks, Section XI, located on Spanish Oaks Club Blvd in the City’s Extra-Territorial Jurisdiction.**

City Engineer Giancarlo Patino presented this item.

**MOTION:** A motion was made by Council Member Auslander, seconded by Council Member King, to approve the site and NPS plan for Spanish Oaks, Section XI.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King
Voting Nay:	None
Absent:	Council Member Kline

The motion carried.

**Discuss and consider action on the site and NPS plan for Bella Colinas (Vail Divide and Del Dios Way), located off Highway 71 West, across from Falconhead West entrance and 23 acre tract (landfill) in the City's extra-territorial jurisdiction.**

Mr. Patino presented this item.

**MOTION:** A motion was made by Mayor Pro Tem Braasch, seconded by Council Member Auslander, to approve the site and NPS plan for Bella Colinas.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King  
Voting Nay: None  
Absent: Council Member Kline

The motion carried.

**Discuss and consider action on the appointment of members to the Planning and Zoning Commission including appointment of Chair and Vice-Chair.**

Council Member Bliss nominated Jim Miles for Position 3. Council Member King nominated Juliet Tapia for Position 4 and Jim Norman was nominated to Position 7 as the consensus of Council.

The vote was taken with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King  
Voting Nay: None  
Absent: Council Member Kline

The motion carried.

**MOTION:** A motion was made by Council Member Bliss, seconded by Council Member Auslander, to appoint Jim Norman as Chair and Patrick Flores as Vice Chair of the Planning and Zoning Commission.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King  
Voting Nay: None  
Absent: Council Member Kline

The motion carried.

**Discuss and consider action on Ordinance No. 148, reorganizing and repealing existing provisions regarding nuisances, noise, outdoor music venues, fireworks and abandoned/junk vehicles, property maintenance and replacing the same with a new Chapter 15 containing comprehensive Home Rule Nuisance regulations.**

City Manager Frank Salvato presented this item.

Jim Ballard, President of the Spanish Oaks Homeowners Association, read a letter from Dennis and Diane Blackburn about the noise and lowering the decibel levels of the venues with music.

Daniel Myrick, General Counsel for the Shops at the Galleria, encouraged the Council to not pass the ordinance but to do their due diligence and appoint a study committee to review the noise levels.

Rick Engle, owner of the Little Woodrow's, stated that he has always been able to work with the City of Austin and the sound mitigation was on a case by case basis. He also stated that music was not played past midnight.

**Executive Session on above item.**

The City Council closed the Open Session at 8:17 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

The City Council closed the Executive Session at 9:42 p.m. and reconvened in Regular Session in the Council Chambers.

**Continue discussion of Ordinance No. 148**

**MOTION:** A motion was made by Mayor Murphy, seconded by Council Member Bliss, to continue discussion of this item until the next meeting and direct staff to consult with sound experts and to also direct staff to bring back a nuisance ordinance that extends the current regulations 5000 feet into the Extraterritorial Jurisdiction.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King  
Voting Nay: None  
Absent: Council Member Kline

The motion carried.

**Discuss and consider property along highway 71, RR 620, Hamilton Pool Road and Bee Cave Road within the Extraterritorial jurisdiction of the city of Bee Cave for possible annexation into the city limits.**

**Executive Session on above item.**

The City Council closed the Open Session at 9:58 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

The City Council closed the Executive Session at 11:21 p.m. and reconvened in Regular Session in the Council Chambers.

No action was taken on the above item.

**Discuss and consider action to schedule workshops on the budget process and priority projects.**

**MOTION:** A motion was made by Council Member King, seconded by Council Member Auslander, to call a Workshop Session for Monday, June 10<sup>th</sup> at 4:00 p.m.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander, Bliss and King  
Voting Nay: None  
Absent: Council Member Kline

The motion carried.

**Adjournment**

**MOTION:** A motion was made by Council Member Auslander, seconded by Council Member Bliss, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Murphy, Mayor Pro Tem Braasch, Council Members Auslander,  
Bliss and King  
Voting Nay: None  
Absent: Council Member Kline

The motion carried.

The City Council adjourned the meeting at 11:38 p.m.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013.

\_\_\_\_\_  
Caroline Murphy, Mayor

ATTEST:

\_\_\_\_\_  
Kaylynn Holloway, City Secretary